

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

Van Westenbrugge, Andries et al
NEDERLANDSCH OCTROOIBUREAU
Scheveningseweg 82
P.O. Box 29720
NL-2502 LS The Hague
PAYS-BAS

Nederlandsch Octrooibureau

USUWEL: **7 MIPOT**

Paraf Reporter
**NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

(PCT Rule 71.1)

Ame

preliminary examination report

rapporteren aan cliënt:

3-4-'05

termijn omzetting in reg./nat. fase

19-6-'05

Date of mailing

(day/month/year)

03.03.2005

Applicant's or agent's file reference
P045353PCT AME/do

IMPORTANT NOTIFICATION

International application No.
PCT/NL 03/00914

International filing date (day/month/year)
19.12.2003

Priority date (day/month/year)
19.12.2002

Applicant
FUJI PHOTO FILM B.V. et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Walli, K
Tel. +49 89 2399-6060





INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P045353PCT AME/do		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/NL 03/00914	International filing date (day/month/year) 19.12.2003	Priority date (day/month/year) 19.12.2002	
International Patent Classification (IPC) or both national classification and IPC G03C1/005			
Applicant FUJI PHOTO FILM B.V. et al.			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
 - ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 19.07.2004	Date of completion of this report 03.03.2005
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer West, N Telephone No. +49 89 2399-7582 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/NL 03/00914**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):*

Description, Pages

1-26 as originally filed

Claims, Numbers

1-19 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/NL 03/00914**

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-19
Inventive step (IS)	Yes: Claims	
	No: Claims	1-19
Industrial applicability (IA)	Yes: Claims	1-19
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/NL 03/00914

The following documents (**D**) are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

- D1:** US-A-5 989 800 (HOSOYA YOICHI ET AL) 23 November 1999 (1999-11-23)
D2: US-A-5 580 712 (KEEVERT JR JOHN E ET AL) 3 December 1996 (1996-12-03)
D3: US-A-6 040 127 (HARA TAKEFUMI ET AL) 21 March 2000 (2000-03-21)
D4: EP-A-1 178 353 (AGFA GEVAERT) 6 February 2002 (2002-02-06)
D5: WO 02 052342 A (BOUWSTRA JAN BASTIAAN ;FUJI PHOTO FILM B V (NL); TODA YUZO (NL); B) 4 July 2002 (2002-07-04)

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Documents **D1-D4** independently disclose (**D1**: column 7/25-column 8/12; examples) (**D2**: example 3; claims 1 and 18) (**D3**: example 3, claim 1) (**D4**: example; claim 1) methods for preparing tabular silver halide emulsion comprising a nucleation step, in which an aqueous solution of a silver salt is combined with an aqueous solution of a halide salt in the presence of a water-soluble polymeric compound at a pH of 6 or more.

Consequently, the subject-matter of claims 1-15 is not new in the sense of Article 33(2) PCT.

2. It is noted that the polymeric compound claimed in present claim 1 has to have a preferred adsorption to {111} crystal faces. The lack of novelty is raised despite of the fact, that present documents D1-D4 do not disclose said specific property of the water-soluble polymeric compounds. It seems at present, that the modified water-soluble polymeric compounds, especially the modified gelatine compounds, likewise possess a preferred adsorption as claimed in present claims 1 and 13.
3. Documents **D1-D5** (**D1-D4** see passages cited above) (**D5**: examples) disclose tabular silver halide emulsions according to claims 14-16 of the present

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/NL 03/00914

application and photographic materials obtained therewith. With respect to **D5**, it is noted, that different processes do not necessarily lead to different products.

Consequently, the subject-matter of claims 16-19 is not new in the sense of Article 33(2) PCT.